

1 **BEFORE THE ARIZONA STATE BOARD OF**
2 **MASSAGE THERAPY**

3
4 In the Matter of:

BOARD CASE NO. 19-145

5 **CHRISTOPHER KONA KAMAE**
6 Holder of License No. **MT-25401**

DECISION AND ORDER

7 For the Practice as a Massage Therapist
8 In the State of Arizona,

9 Respondent.

10
11 On August 26, 2018, the Arizona State Board of Massage Therapy (“Board”) convened to hold an Administrative Hearing in the above referenced matter. Christopher Kona Kamae (“Respondent”) did not appear and was not represented by legal counsel. Assistant Attorney General Michael Raine was present and represented the State. Assistant Attorney General, Marc Harris, of the Licensing and Enforcement Section of the Attorney General’s Office, appeared in person to provide independent legal advice to the Board. At issue was the State’s Motion to Deem Allegations Admitted regarding the Complaint and Notice of Hearing in this matter and the imposition of the appropriate disciplinary action(s) pursuant to A.R.S. § 32-128(F). The Board, after considering the State’s Motion, granted the Motion to Deem the Allegations Admitted and issued the following Findings of Fact, Conclusions of Law and Order (“Order”):

22 **PARTIES AND JURISDICTION**

23 1. The Board is the duly constituted authority for licensing and regulating the practice of massage therapy in the State of Arizona.

25 2. Respondent is the holder of license number MT-25401, which allows Respondent to practice as a massage therapist in the State of Arizona.

1 3. Under A.R.S. § 32-4201, et seq., the Board possess jurisdiction over the
2 subject matter and over Respondent as a licensee of the Board.

3 **FINDING OF FACT**

4 1. On October 9, 2018, Respondent was arrested on assault charges related to
5 a domestic violence incident in Maricopa County, Arizona.

6 2. On January 7, 2019, Respondent pleaded guilty to one count of Aggravated
7 Assault, a class-six felony, in case # CR2018-114547-001.

8 3. On February 6, 2019, Respondent was sentenced to three years of
9 supervised probation, among other terms.

10 4. Respondent did not notify the Board of either his arrest or conviction within
11 ten days of each event.

12 **CONCLUSIONS OF LAW**

13 1. The conduct and circumstances described above constitute grounds for
14 discipline pursuant to A.R.S. § 32-4253(A)(1) (failing to meet or maintain the
15 requirements for an original license under section 32-4222), as it relates to A.R.S. §§ 32-
16 4222(A)(4) (requiring license applicants to be of good moral character), and -4222
17 (A)(6)(b) (requiring an applicant to not have been convicted of a 6 felony offense
18 involving moral turpitude that has a reasonable relationship to the practice of massage
19 therapy).

20 2. The conduct and circumstances described above constitute grounds for
21 discipline pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could harm the
22 public).

23 3. The conduct and circumstances described above constitute grounds for
24 discipline pursuant to A.R.S. § 32-4253(A)(23) (violating Board statutes, rules, or
25 orders).

26 4. The conduct and circumstances described above constitute grounds for
discipline pursuant to A.R.S. § 32-3208 (requiring health professionals to disclose felony

1 charges to the Board within ten days) and A.R.S. § 32-4225(D) (requiring massage
2 therapists to disclose felony convictions to the Board within ten days).

3 **ORDER**

4 Based on the Board's adoption of the Findings of Fact and Conclusions of Law, it
5 is hereby ordered that license number MT-25401 issued to Christopher Kona Kamae is
6 placed on PROBATION and subject to the following terms and conditions:

7 1. Respondent's massage therapy license no. MT-25401 is suspended for one
8 year from the effective date of the Order.

9 2. Respondent shall complete eight hours of in person continuing education
10 ("CE") in the area of professional ethics. The CE shall be pre-approved by Board staff.
11 The CE shall be completed within 12 months from the effective date of the Order.

12 3. Respondent is assessed a civil penalty in the amount of \$250.00. The civil
13 penalty shall be paid within 12 months from the effective date of the Order.

14 4. Respondent shall pay a fine of \$250.00. The fine shall be paid within 12
15 months from the effective date of the Order.

16 5. Respondent shall submit a written request to the Board for release from the
17 terms of this Order. Respondent may not submit such a request prior to February 6,
18 2022, which is the scheduled conclusion of his court issued criminal probation.
19 Respondent shall submit his request at least 30 days prior to the date he would like to
20 have this matter appear before the Board. Respondent shall appear before the Board in
21 person. Respondent must provide evidence that he has successfully satisfied all terms and
22 conditions in this Order. The Board has the sole discretion to determine whether all
23 terms and conditions of this Order have been met and whether Respondent has
24 adequately demonstrated that he has addressed the issues contained in this Order. In the
25 event that the Board determines that any or all terms and conditions of this Order have
26 not been met, the Board may conduct such further proceedings as it determines are
appropriate to address those matters.

1 6. Respondent shall bear all costs related to the Order.

2 7. Respondent shall be responsible for ensuring that all documentation
3 required in this Order are provided to the Board in a timely manner.

4 8. This Order shall be effective on the date of entry below.

5 9. This Order is conclusive evidence of the matters described herein and may
6 be considered by the Board in determining appropriate sanctions in the event a
7 subsequent violation occurs.

8 **NOTICE OF APPEAL RIGHTS**

9 Respondent is hereby notified that he has the right to request a rehearing or review
10 by filing a petition with the Board's Executive Director within 30 days after service of
11 this Decision and Order. Service of this Decision and Order is effective on the date of
12 personal delivery or five days after the date of mailing. A.R.S. § 41-1092.09. The request
13 for a rehearing or review must set forth legally sufficient reasons for granting a rehearing
14 or review. A.A.C. R4-15-401(C). If a motion for rehearing or review is not filed, the
15 Board's Decision and Order becomes effective 35 days after it is mailed to Respondent.
16 Respondent is further notified that the filing of a motion for rehearing or review is
17 required to preserve any rights of appeal to the Superior Court.

18 ARIZONA STATE BOARD OF
19 MASSAGE THERAPY

20 By: 
21 Thomas Augheron, Executive Director

22 Original Decision and Order
23 filed this 11th day of September, 2019 with the:

24 Arizona State Board of Massage Therapy
25 1740 West Adams Street, Suite 3401
26 Phoenix, Arizona 85007

27 Copy of the foregoing sent via
28 Regular and Electronic mail this
29 11th day of September, 2019 to:

1 Christopher Kona Kamae
2 1023 W Elna Rae Street
3 Tempe, Arizona 85281
4 christopherkamae@gmail.com

5 Copy of the foregoing sent via
6 Electronic mail this 11th day of September, 2019 to:

7 Michael Raine, Assistant Attorney General
8 Office of Arizona Attorney General-SGD/LES
9 2005 North Central Avenue
10 Phoenix, Arizona 85067
11 michael.raine@azag.gov
12 Attorney for the State

13 Marc Harris, Assistant Attorney General
14 Licensing & Enforcement Section
15 Office of the Attorney General-SGD/LES
16 2005 North Central Avenue
17 Phoenix, Arizona 85004
18 marc.harris@azag.gov
19 Independent Attorney Advisor

20 By: 

21 Doc #8188532
22
23
24
25
26